

Project No: 8153

Project Name: Milpitas Library Off Site Utility Improvements

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AMENDMENT TO AGREEMENT No 5
FOR CONSULTATION AND OTHER SERVICES

This Amendment is entered into this 1st day of February 2005, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Harris and Associates (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional mapping, survey, and utility engineering services for Weller, Winsor, and Main Street as part of the Milpitas Library Off-site Utility Improvements, Project No. 8153, on October 28, 2003; and

WHEREAS, the parties amended the Agreement to allow CONSULTANT to provide professional engineering services for the creation of the official Plan Lines for Winsor and Weller Avenues, preparation of right of way vacation documents, and preparation of final plans, specifications, and estimates for Winsor Avenue street improvements on March 2, 2004; and

WHEREAS, the parties amended the Agreement to allow CONSULTANT to provide professional engineering services for the creation of a drainage study for the library, garage structure, and development of the City parcels west of Main Street, and to include a portion of Carlo Street between Winsor and Main Street in the official Plan Lines for Winsor and Weller Avenues, and for preparation of a design of for the relocation of existing City Utilities in Main Street between Weller and Carlo Streets as needed for the library project on May 18, 2004; and

WHEREAS, the parties amended the Agreement to allow CONSULTANT to provide professional engineering services to prepare and record a Record of Survey to document existing boundary and survey control points for Weller Lane, Winsor Avenue, Carlo Street, and North Main Street; to prepare a revised Land Use Exhibit incorporating the revised Main Street curb line in front of the library parcel; preparation of typical cross sections for North Main, Weller, and areas under route 237 to coordinate streetscape and utility improvements; and additional coordination meetings with the Utility companies on May 18, 2004; and

WHEREAS, the parties amended the Agreement to allow CONSULTANT to provide professional engineering services to evaluate the flood hazard and determine possible mitigation and/or structure design requirements for the library and garage on October 5, 2004.

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional engineering and coordination services for the design of utility and joint trench relocations in

North Main Street to accommodate the new County Health Center and Senior Housing projects.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on **October 16, 2006**.

2. Section 1, entitled "Services" is amended by adding Exhibits "A-7", which are attached hereto and incorporated by reference herein.
3. Section 2, entitled " Compensation " is amended to add Exhibit "B-7", which are attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibits "A-7" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibits "B-7" shall not exceed **\$15,000.00**.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **October 28, 2003**, between **Harris and Associates** and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

City Engineer as to content

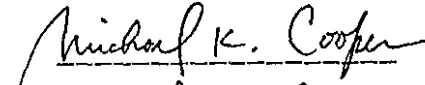
City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

CONSULTANT
Harris & Associates, Inc.



Michael K. Cooper
Vice President